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6 **CERTIFIED PROFESSIONAL GUARDIAN BOARD**
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8 In the Matter of the Notice of)
9 Noncompliance with Application)
10 Regulation 117 (Insurance) of:)

11 LOUISE KUYPER,
12 CPG No. 10565,

13 Respondent.
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15) AGREEMENT REGARDING
16) DISCIPLINE FOR NONCOMPLIANCE
17) WITH APPLICATION REGULATION
18) 117 (INSURANCE)
19)
20)
21)
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26 The parties, Louise Kuyper, CPG No. 10565, a certified professional guardian,
27 and the Certified Professional Guardian Board (Board) enter into this Agreement
28 Regarding Discipline (Agreement) pursuant to Application Regulation (AR) 117.7 and
29 the Board's Disciplinary Regulations for Certified Professional Guardians. Ms. Kuyper
30 failed to file a declaration regarding her compliance with the errors and omissions
31 insurance requirement pursuant to AR 117.5.1, resulting in this noncompliance
32 proceeding before the Board. This Agreement is a resolution of this proceeding and
33 shall become effective after all parties have signed the Agreement.
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2 **I. STATEMENT OF FACTS**

3 **A.** On January 22, 2007, Louise Kuyper was certified as a professional
4 guardian pursuant to General Rule of Court (GR) 23, and was so certified at all times
5 relevant to this matter.

6 **B.** On or about March 21, 2008, the Board issued a Notice of Noncompliance
7 with Application Regulation 117 and Notice of Right to File Petition for Administrative
8 Hearing (Notice) to Ms. Kuyper based on her failure to file a declaration with the Board
9 in compliance with AR 117. On March 25, 2008, Ms. Kuyper acknowledged receipt of
10 the Notice sent via certified mail.

11 **C.** On March 31, 2008, Ms. Kuyper filed with the Board a Declaration of
12 Required Errors & Omissions Insurance – Regulation 117, declaring she met the
13 exemption contained in AR 117.3.
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15 **II. VIOLATIONS**

16 Certified professional guardians and certified professional guardian agencies are
17 required to maintain a minimum of \$500,000 of errors and omissions insurance which
18 covers the acts of the guardian or agency unless exempted or waived by the regulation.
19 AR 117.2. By January 31 each year, every guardian and agency shall file with the
20 Board a declaration signed under penalty of perjury on a form approved by the Board
21 stating that the guardian or agency either maintains a policy of errors and omissions
22 insurance, that the guardian or agency is exempt, or has been granted a waiver by the
23 Board. AR 117.5.1. Failure to comply with AR 117 may subject the guardian or agency
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1 to disciplinary sanctions. AR 117.7.1. Based on the facts stated above, Ms. Kuyper
2 has violated AR 117.5.1.
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4 **III. PRIOR RECORD OF DISCIPLINE**

5 Louise Kuyper, CPG No. 10565, has no prior record of discipline with the Board.

6 **IV. DISCIPLINARY SANCTIONS IMPOSED BY THE BOARD**

7 The Board recognizes as mitigating factors: that upon receiving the Notice from
8 the Board, Ms. Kuyper filed a declaration of exemption from the errors and omissions
9 insurance, and that Ms. Kuyper meets the requirements for exemption set forth in AR
10 117.3.

11 Based on the type of violation in this matter and the mitigating factors set forth
12 above, an appropriate disciplinary sanction is reimbursement of the costs of this
13 disciplinary proceeding. Louise Kuyper is required to reimburse the Board fifty dollars
14 (\$50.00) for the costs of this disciplinary proceeding.
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16 **V. VIOLATION OF AGREEMENT**

17 Failure to comply with the terms of this Agreement shall constitute additional
18 grounds for discipline pursuant to DR 514.4. In the event of an alleged breach of this
19 Agreement, the Board shall provide notice to the certified professional guardian of the
20 substance of the breach, and the certified professional guardian shall have 30 days to
21 respond to the allegations of the breach. If the Board finds that the Agreement has
22 been breached, the Board may pursue disciplinary action against the certified
23 professional guardian or agency for violation of the Agreement.
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1 This Agreement is binding as a statement of all known facts relating to the
2 conduct of Louise Kuyper, CPG No. 10565, but any additional existing acts may be
3 proven in any subsequent disciplinary proceedings.
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5 **VI. NOTICE**

6 This Agreement shall be retained by the AOC in the certified professional
7 guardian's disciplinary file. This Agreement shall be open to public access and
8 disclosure. Notice of the discipline imposed shall be sent to all superior courts pursuant
9 to DR 514.3.2.

10 **VII. ENTIRE AGREEMENT**

11 This Agreement comprises the entire agreement of the parties with respect to the
12 matters covered herein, and no other agreement, statement, or promise made by any
13 party which is not included herein shall be binding or valid. This Agreement may be
14 modified or amended only by a written amendment signed by all parties.
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16 **VIII. SEVERABILITY**

17 The provisions of this Agreement are intended to be severable. If any term or
18 provision of this Agreement is illegal or invalid for any reason, the remainder of the
19 Agreement will not be affected.

20 **IX. LAWS GOVERNING**

21 This Agreement shall be governed by the laws of the State of Washington, and
22 any question arising from the Agreement shall be construed or determined according to
23 such law. This Agreement is a public record and is subject to public disclosure or
24 release.
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2 **X. RIGHT TO COUNSEL**

3 Ms. Kuyper acknowledges that she has the right to individual counsel for
4 representation in this disciplinary matter, at her expense, as set forth in Disciplinary
5 Regulation 509.1.

6 **XI. PRESENTATION OF AGREEMENT TO THE BOARD**

7 Louise Kuyper understands that this Agreement is not binding unless and until it
8 is approved and signed by the Board. If the Board rejects this Agreement, Louise
9 Kuyper waives any objection to the participation in the final determination of this matter
10 of any Board member who heard the Agreement presentation.

11 COPY RECEIVED, NOTICE OF PRESENTATION WAIVED:

12 *I have never had any clients, I hope to have*
13 *clients in 2009*
14 *Louise Kuyper CPG #10565* *1/26/08*
Louise Kuyper, CPG No. 10565 Date

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17 **APPROVED AND ORDERED BY THE CERTIFIED PROFESSIONAL GUARDIAN
BOARD THIS**

18 19 DAY OF May, 2008.

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20 *Maryware Van Deren*
21 Judge Maryware Van Deren
22 Chair, Certified Professional Guardian Board